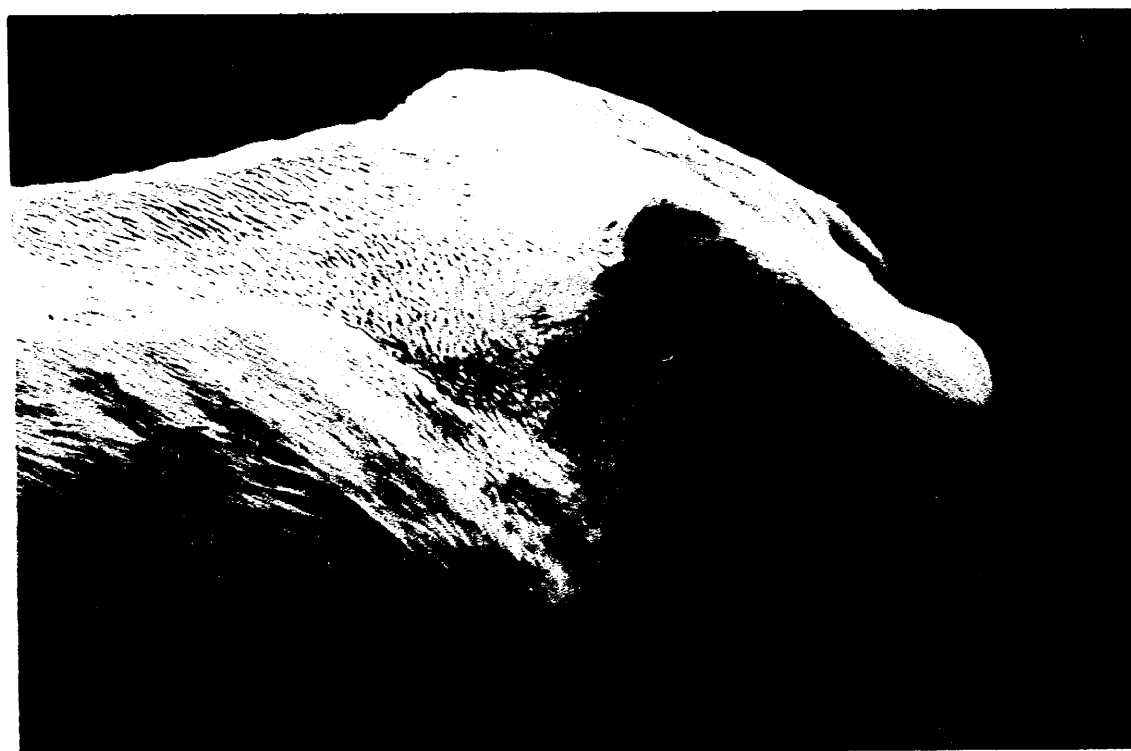
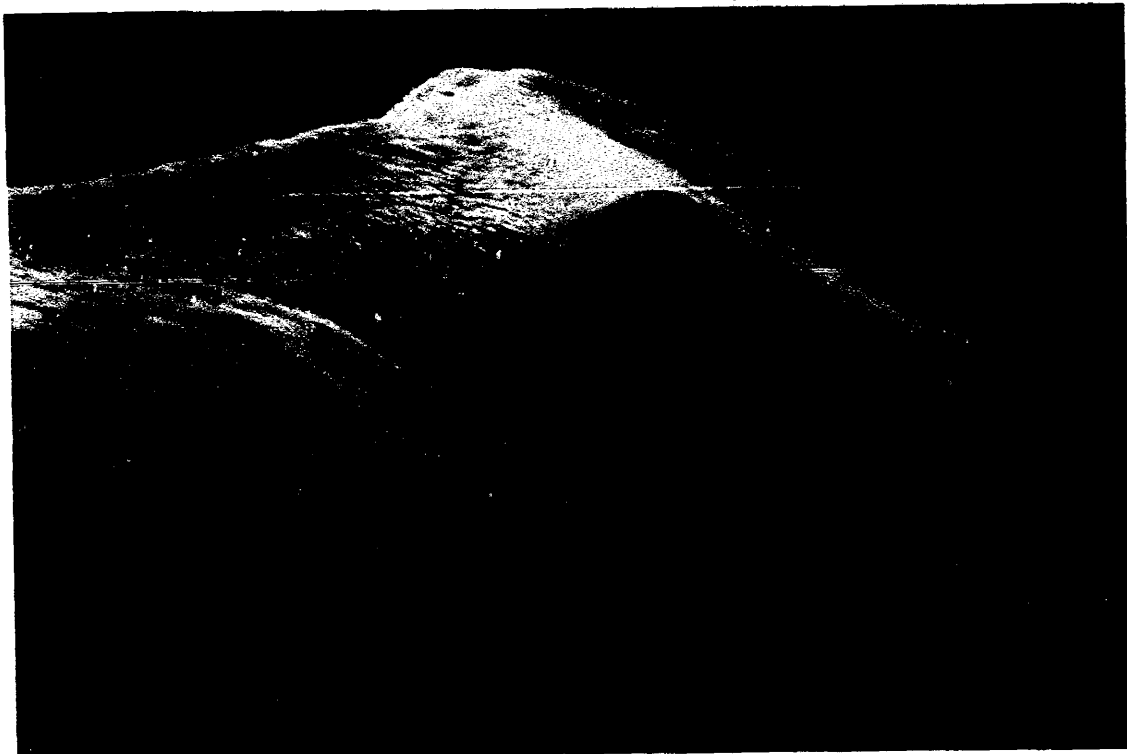


ZB# 98-46

**John Pellegrino /
Enchanted Gardens
Nursery
52-1-6**





11/10
12:00
Enchanted Gardens Nursery
#52-1-6



RECEIPT 93/438

Dono Nursery
#52-1-6



Wilson-Jones • Carbonless • S1054-NCR Diskette • S1057-NCI, Triplex

© Wilson-Jones, 1989

DATE 12/21/98 RECEIPT 037438

RECEIVED FROM Enchanted Gardens

Address

One Hundred fifty 00/100 DOLLARS \$150.00

FOR ZBA # 98-46

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	11.00
AMOUNT PAID		CHECK	25.00
BALANCE DUE		MONEY ORDER	

Town Clerk

BY Dorothy N Hansen
sh

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Pellegrino, John

FILE# 98-46

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒

USE ☐

APPLICATION FOR VARIANCE FEE \$ 150.00

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 500.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 11/1/98-6 \$ 27.00
2ND PRELIMINARY- PER PAGE 1/11/99-13 \$ 58.50
3RD PRELIMINARY- PER PAGE 1/25/99-7 \$ 31.50
PUBLIC HEARING - PER PAGE \$ _____
PUBLIC HEARING (CONT'D) PER PAGE \$ _____
TOTAL \$ 117.00

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 11/9/98 \$ 35.00
2ND PRELIM. 1/11/99 \$ 35.00
3RD PRELIM. 1/25/99 \$ 35.00
PUBLIC HEARING \$ _____
PUBLIC HEARING (CONT'D) \$ _____
TOTAL \$ 105.00

MISC. CHARGES:

..... \$ _____
TOTAL \$ 222.00

LESS ESCROW DEPOSIT \$ 500.00
(ADDL. CHARGES DUE) \$ _____
REFUND DUE TO APPLICANT .. \$ 278.00

paid ck # 1100
12/21/98
paid ck # 1099
12/21/98

[illegible]

ENCHANTED GARDENS

1123 ROUTE 207
ROCK TAVERN, NY 12575

1099

PAY
TO THE
ORDER OF

Town of New Windsor

DATE

12/21/98

1-2
210 550

\$ 500.00

Five hundred 00/100

DOLLARS



CHASE

The Chase Manhattan Bank
Route 202, Pacesetter Mail
Pomona, NY 10970

FOR

ZBA #98-46

John Rella

⑈001099⑈ ⑆021000021⑆1650065934165⑈

ENCHANTED GARDENS

1123 ROUTE 207
ROCK TAVERN, NY 12575

1100

PAY
TO THE
ORDER OF

Town of New Windsor

DATE

12/21/98

1-2
210 550

\$ 150.00

One hundred and fifty 00/100

DOLLARS



CHASE

The Chase Manhattan Bank
Route 202, Pacesetter Mail
Pomona, NY 10970

FOR

#98-46 ZBA

John Rella

⑈001100⑈ ⑆021000021⑆1650065934165⑈

April 12, 1999

FORMAL DECISION:

1. MANS BROTHERS REALTY INC.
2. ORWEST REALTY/D.B. COMPANIES, INC.
3. DANTAS
4. PELLEGRINO
5. AQUINO/ADVANCE DENTAL
6. SAVINO
7. KIRK

file: 20
Pellegrino

98-46

Enchanted Gardens
Nursery.

MR. NUGENT: We have seven formal decisions.

MR. TORLEY: I have one question on one of them, only one, do you remember the nursery, in the second page it's paragraph E where he talked about as where he has to decline them down where he meets the zoning Andy put down probably something I said, none will be replaced on its death until the old number of animals does not exceed, can we change it to death or other removal or sale cause otherwise, the guy could sell one and get another one. So just those particular, the sale, death or removal, I don't want him to be able to keep replacing them as he goes along. Did I misread it?

MR. KRIEGER: None will be replaced on its death or until the total number of animals does not exceed the allowed amount.

MR. TORLEY: I think you understand my meaning, I don't want him to exchange one pony for another pony and keep on going.

MR. KRIEGER: Trying to avoid death by simply swapping animals, so simply adding the phrase or removal.

MR. TORLEY: Sale or removal.

MR. KRIEGER: Doesn't matter if it's removal, doesn't matter whether you sold it, gave it away or how it got removed. Removed is removed. So it would be the last full line of paragraph small E in parens on page 2, the remaining 11 animals, none will be replaced on its death and you want to add after death or removal until the total number of animals does not exceed that allowed in Section 48-12, is that, do I correctly state

it?

MR. NUGENT: I think that's the way we wanted it.

MR. TORLEY: I just want to make sure. Other than that, do you accept the motion on the formal decisions?

MR. NUGENT: With the stipulated changes.

MR. TORLEY: Then I move we approve them as written and with the stipulated change.

MR. KANE: Second it.

ROLL CALL

MR. TORLEY	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. NUGENT	AYE

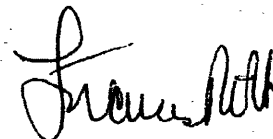
MR. TORLEY: Motion to adjourn.

MR. REIS: Second it.

ROLL CALL

MR. TORLEY	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. NUGENT	AYE

Respectfully Submitted By:



Frances Roth
Stenographer

4/14/99

In the Matter of the Application of

**JOHN PELLEGRINO and
ENCHANTED GARDENS NURSERY**

**MEMORANDUM OF
DECISION GRANTING**

AREA VARIANCE

#98-46.

WHEREAS, JOHN PELLEGRINO, 1721 Little Britain Road, Rock Tavern, N. Y. 12575, Willow Lane, New Windsor, New York, N. Y. 12553, has made application before the Zoning Board of Appeals for the keeping of livestock, which use requires an area variance under Section 48-12-Table of Use/Bulk Regulations, Col. M-Permitted Accessory Uses in an R-1 zone; and

WHEREAS, a public hearing was held before the Zoning Board of Appeals at the Town Hall, New Windsor, New York, on the 11th day of January, 1999, and adjourned to the 25th day of January, 1999; and

WHEREAS, the Applicant appeared together with Michael Sussman, Esq. on behalf of this Application; and

WHEREAS, there were two spectators appearing at the public hearing; and

WHEREAS, two persons spoke in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) This is a property utilized for the sale of garden products. The property is located in an R-1 zone but is adjacent to agricultural uses.

(b) The owner of the premises has kept some animals consisting of goats, llama, emu, a pig and a couple of ponies on sheds on the property. The keeping of animals is an allowed use on

a parcel of 20 acres or more but this parcel is between 5 and 6 acres.

(c) The animals are housed in sheds which are approximately 200 ft. from the property lines.

(d) The animals are kept as part of a petting zoo and are used in connection with the Applicant's business use of the property.

(e) There are three ponies, two emu, one llama, one pig and five goats. The Applicant has agreed that if the variance is granted, the pig will be removed from the property and that of the remaining 11 animals, none will be replaced on its death until the total number of animals does not exceed that allowed in Section 48-12. *or removed*

(f) The Applicant has acknowledged that if the variance is granted in whole or in part the Applicant must still comply with all other rules and regulations, including, but not limited to, those of the USDA and the granting of a variance does not relieve him in any way from such compliance.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variance requested is substantial in relation to the Town regulations nevertheless is warranted for the reasons listed above.
4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area

variance.

9. The granting of this variance does not extend to the pig which must be removed from the premises. With respect to the remainder of the animals, the Applicant may not replace them as they die until and unless the number of animals on the property is equal or less than that which is required under Section 48-12 of the New Windsor Town Code.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for an area variance to keep livestock at the Enchanted Gardens Nursery located at 1721 Little Britain Road in an R-1 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: April 12, 1999.


Chairman

Date 2/8/98, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550

		CLAIMED	ALLOWED
4	Zoning Board Mtg	75 00	
	Misc C - 3		
	Sunday - 16		
	Peterson - 5		
	Aquino - 3		
	Pellegrino - 7	31.50	
	34	153 00	
		228 00	
	<i>James Nugent</i>		

PELLEGRINO, JOHN

MR. NUGENT: Is there anyone here for Pellegrino?

MS. BARNHART: We sent out 14 addressed envelopes containing the public hearing notice on December 21 and here's an affidavit of mailing.

MR. NUGENT: Request for area variance to keep livestock at Enchanted Gardens located at 1721 Little Britain Road in an R-1 zone.

Michael Sussman, Esq. and Mr. John Pellegrino appeared before the board for this request.

MR. SUSSMAN: I'm Mike Sussman from Goshen, New York and Mr. Pellegrino is to my right. Good evening. This application is before you on Mr. Pellegrino's application, as you said, for an area variance. The property is in an R-1 zone. Mr. Pellegrino purchased the property in 1997, it has historically been used that property for agricultural purposes. We have a letter which we have from Francis E. Lange, which also has been notarized which describes the use of the property, historically, Mr. Lange is an adjacent neighbor. Mr. Pellegrino has utilized the parcel to keep some animals, goats, couple of goats, llama, emu, pig, couple of ponies which he has had in sheds on the property. He would like to perpetuate that use and legalize that use and as I'm sure you're aware, the acreage which he has as he discloses in the application is insufficient prompting this application. I believe he has between 5 and 6 acres and it's our understanding that he would need 20 acres to maintain the use he has. I do have a survey which shows where he houses the animals currently which are set back from the road. We also have a number of photographs which show the animals and I will let Mr. Pellegrino explain these to you. The board asked for photographs showing the exact nature of the property from the road, how the property appears looking out of it, so as to see the adjacent uses and the impact this might have on adjacent uses. As I explained earlier, the most adjacent use is a farm use which really abuts the area Mr. Pellegrino uses for these animals. You may want to show the members of the

board these photographs which fairly clearly depict the exact area how the animals look, where the animals are maintained.

MR. PELLEGRINO: This is the view from the road.

MR. NUGENT: What's the purpose of these animals?

MR. SUSSMAN: Mr. Pellegrino, you want to explain why you have the animals?

MR. PELLEGRINO: We use them for like a petting zoo for children, around the Halloween and Christmas and things like that as well as they started out being for my children and just got a little bit more involved.

MR. REIS: But there were animals on the property prior to you purchasing it?

MR. PELLEGRINO: Since 1946, it's, there's a letter, it's from the neighbor who owned the property, it was originally a dairy farm, there's a farm that goes all the way around it.

MR. NUGENT: Is that farm still in operation?

MR. PELLEGRINO: Yes.

MR. SUSSMAN: The photographs which Mr. Pellegrino brought do show at least in part the farm, the farm area and I'm sure you'll see them.

MR. KRIEGER: What was this, this was cut out of the farm parcel?

MR. SUSSMAN: I think so. Application indicates there are three ponies, two emu, one llama, one pig and five goats and commits to maintaining no more than this number of animals on the property, should this application be granted.

MR. TORLEY: At the time of the initial presentation there was some discussion about USDA investigations, were all the deficiencies that they brought up made good?

MR. PELLEGRINO: The only things that hasn't been changed was the fencing because I didn't want to invest in the chain link fencing if you denied this.

MR. SUSSMAN: Probably the most important observation in the USDA report related to the veterinary care issue and the U.S.D.A.'s concern that veterinary care be established and maintained and that occurred. We do have a letter from Doug Tuthill, who is the proprietor of Noah's Ark Animal Hospital in Goshen which I will hand up to the committee simply indicating Mr. Pellegrino does have him as a vet. I have spoken with Mr. Tuthill about these circumstances here and he attests that he has been the veterinarian for this gentleman and that water, shelter, food, et cetera are made available to the animals. The USDA reports which were referenced earlier suggests no significant violations with regard to the nature of the animals, their maintenance, there were points raised as you pointed out about fencing and the shed and the like which have been corrected in terms of actual housing aside from the nature of the fencing which is a considerable investment Mr. Pellegrino wanted to defer until he got your views on this.

MR. REIS: I might make an observation these look like very happy, content animals.

MR. SUSSMAN: There's been a controversy about the animals which you may hear more about, Miss Boyle in the audience tonight has raised publicly at a number of locations and the New Windsor, as I understand, the Animal Control Officer has been a fairly frequent visitor of Mr. Pellegrinos to assure the appropriate sustenance of the animals and it's my understanding that her reports are positive and that he's maintaining the animals appropriately. And I do think the photographs as an owner of animals myself, the photographs seem to attest to that. I have gone out there and looked at the animals and I think objectively it's fairly clear that there's sufficient space for the animals, particularly in light of his representation that he would not increase the number, and if they multiply would otherwise remove those new to the

property.

MR. NUGENT: How big is the piece of property all told?

MR. SUSSMAN: 5.1 acres.

MR. NUGENT: Let the record show that I have a letter here from Dr. Tuthill. I visited John Pellegrino's farm ten weeks ago, the animals had food, water and shelter, none appeared to be sick or malnourished trying to upgrade his facilities.

MR. KRIEGER: That's T-U-T-H-I-L-L.

MR. NUGENT: From Mr. Francis Lange, a letter, I'm not going to read the letter.

MR. KRIEGER: L-A-N-G-E.

MR. NUGENT: In 1945 the land was conveyed to William Tangreedy, which was used in the same manner which was a farm.

MR. SUSSMAN: Yes, sir.

MR. REIS: What necessitated your visit to the planning board?

MR. PELLEGRINO: A complaint.

MR. SUSSMAN: I was just going to mention that on September 22, 1998, then building inspector issued an order to remedy violation of Section 48-12, quoting relevant passage that the premises hereafter described as 1721 Little Britain Road, section, block, lot 352-1-6, in that keeping more than two horses over six months of age an any other non-domesticated animals is prohibited in the R-1 District. So the application was discussed and made. The only other point I'd like to make there's a Certificate of Compliance from the Town of New Windsor Building Department, building permit number 9171 for shed on the property 10 foot by 35 foot issued to Mr. Pellegrino, the Enchanted Gardens Nursery by the building inspector. And that is used as the photos show for the maintenance and care of the animals

including the storage of food in an appropriate manner.

MR. REIS: Can we open it to the public?

MR. NUGENT: Yeah, we ought to do that right now and open it back up to the board. Is there anyone in the public that would like to speak, now is the time to do it? Please keep your comments as brief as possible and try not to be repetitious. Yes, ma'am?

MS. BOYLE: I have pictures of, I have a horse that I purchased from Mr. Pellegrino on June 26 that I'd like the Zoning Board of Appeals to see.

MR. KRIEGER: Name and address?

MS. BOYLE: I'm sorry, Lisa Boyle, 2826 Route 94, Washingtonville, New York 10992. And the last two are pictures of him in November.

MR. REIS: You purchased this horse?

MS. BOYLE: I did, yes, I have the letter of sale right here.

MR. REIS: This is the condition of the horse?

MS. BOYLE: In November.

MR. REIS: This is its present condition?

MS. BOYLE: No, that was on June 29, 1998.

MR. NUGENT: Make a presentation while you pass the pictures around.

MS. BOYLE: I also have an copy of the USDA report and one thing that I noticed is that there are four goats inventoried here, whereas the request was for five goats, there are sections where the condition of the animals is questioned.

MR. SUSSMAN: Just give us the date of the report please.

MR. REIS: November 8, '98 received.

MR. SUSSMAN: In the lower right-hand corner there should be a date.

MR. REIS: 10/28/98.

MR. TORLEY: Do you have a more recent one?

MR. SUSSMAN: No, there's a two page report.

MS. BOYLE: I guess the last point I also I believe that the investigation that the Town of New Windsor initiated is still ongoing.

MR. NUGENT: Is that true, do you know that?

MR. BABCOCK: No, I don't know that it is, I don't know what the situation is. I do know that I heard Janice call last week on the radio to make a blotter entry into the police department. So apparently, she's doing from time to time going to Mr. Pellegrino's house and finding out exactly what's going on. I do know that last week when she did call in, I'm on the radio all day long, as everybody else does, she said that they made a blotter entry saying that there was no problems at all.

MS. BARNHART: She also knew about the public hearing cause I gave her a copy of the notice for tonight.

MR. SUSSMAN: If I might just briefly be heard on this. I said to you during my presentation that Mr. Pellegrino has told me and I have confirmed that on a weekly basis, the animal control officer has been going to the property because of Miss Boyle's repetitive complaints and my understanding from her is that there is no problem with the animals, the animals are healthy and good condition and she's so reported repeatedly to Miss Boyle. That there's a quote open investigation if that is what you want to call it since it's not an investigation that's going to have an end as long as someone continues to complain on a week-to-week basis, the fact that this person, that's the animal control officer, will continue to go is of no moment with

regard to the condition of the animals. All it tells us is she continues to report the animals are in good condition. So I don't know how seriously one can take that statement that there's an ongoing investigation when it's the proponent of that investigation is here. I would also like Mr. Pellegrino to have an opportunity since it's been raised for whatever relevance it may have to your deliberations, to explain the circumstances with the horse doctor; Dr. Tuthill is familiar with that, too, I did ask him to come but he's unable to come because he's caring for animals in the winter. Can you explain the situation so we're not left with an impression?

MR. PELLEGRINO: That horse was under the care of the vet, he was coming out once a week to take, the horse was on its way to gain when I gave the horse to Lisa Boyle for a dollar, because it was too much work and money for me to keep putting into the horse. She came and she expressed an interest in the horse and I conveyed the horse to her for the well-being of the horse. The horse was not neglected. If the horse was neglected, the police department came to my property one night when she reported the horse was neglected, no charges were filed, the horse was not taken from me, the horse was left on the property and I willfully gave it to her. The horse was not taken away. The police department checked with the animal veterinarian to see if the horse was under the veterinarian's care.

MR. SUSSMAN: Who was the vet at that time?

MR. PELLEGRINO: It's Pine Bush, I don't remember her name.

MR. REIS: What's the reasoning for this condition now? I didn't follow that.

MR. SUSSMAN: That was the condition before the horse was given to Miss Boyle, that's what Mr. Pellegrino was explaining. You're asking why it was in that condition?

MR. REIS: We see a picture where it looks to be healthy, somebody riding it and we saw pictures where

its frame is showing through its skin.

MR. SUSSMAN: I think the photos demonstrate how it looked initially in the emaciated condition and more recently the purpose of the pictures was to show it had been brought back to health, is that correct?

MS. BOYLE: That's correct, yeah.

MR. SUSSMAN: The issue is as Miss Boyle's raised is why the horse was so emaciated to begin with, do you want to explain the circumstances?

MR. PELLEGRINO: He was under veterinary care, he had something wrong with the stomach, I had just gotten the horse a month and a half prior to that. Like I said, the vet was coming out weekly and taking care of the horse and you checked that out when I gave you the horse.

MS. BOYLE: She told me she was there once in April.

MR. PELLEGRINO: That's not the case, but why wasn't the animal not taken away by Animal Control at that point, they confirmed with her, with the vet the horse was being treated, the horse was not taken from me, the horse was actually brought back to me when they took it illegally, they removed the horse without authority and the horse was returned that evening after they confirmed with the veterinarian.

MS. BOYLE: The story I heard was that the horse was wandering on 207.

MR. PELLEGRINO: Horse was still returned.

MR. NUGENT: All information goes through the Chair. I don't want it going back and forth. We'll be here all night.

MS. OWEN: Horse was in good condition when you originally bought it?

MR. PELLEGRINO: No, it wasn't.

MS. OWEN: It looked like that?

MR. PELLEGRINO: Wasn't quite that bad, that came from a riding stable of one of the hotels in the, up by the Nevele area up there and he was in poor condition. What happened the person that I got the horse from, I do work for. When it came down to paying me, he didn't have the money, he wanted to make out a trade with the horse and another horse that's still at the property, there's a black horse in the picture there, black horse was in poor condition also which is, that's as the picture will show you is in fine condition now.

MS. OWEN: So you took him hoping to make him better?

MR. PELLEGRINO: Right and when I wasn't able to do that is when she expressed interest in the horse and the horse was given to her.

MR. NUGENT: Sounds to me like you better send USDA up to the place where he got it from.

MR. PELLEGRINO: It's no longer there, it's a hotel that closed down.

MR. REIS: You'll be recognized.

MR. NUGENT: Do you have anything further, ma'am?

MS. BOYLE: That's it.

3 MS. JONES: I have a few discrepancies with all this, Susan Jones, 1679 Little Britain Road, Rock Tavern. I'm a neighbor of Mr. Pellegrinos prior to the start of this, all this, I didn't even know he had the animals on his property. No one went to his place in the middle of the night and took his horse. The police came to my house, woke me up at 9:30 because they thought the animal was mine. When I saw the animal, I was shocked the police returned the horse to him, only because he said it had a digestive disorder. I have spoken to several veterinarians on it prior to Lisa acquiring the horse for a dollar, we had the horse checked, there was nothing wrong with the animal. I spoke with the owner of the Nevele Country Club where

Mr. Pellegrino bought the horse last November, not a month or two prior to this, the horse was in fine condition when it left there. And apparently took about a year for it to get in this shape. I know that he has applied for variances before on his property, one for a big propane tank. I didn't dispute that. I thought it was part of his business for the nursery which he claims is what the property was originally used for last time he wanted a zoning variance. The property has not had animals to my knowledge for at least 14 years, he did not purchase the property from Mr. Lange, it was bought from Mr. Hemstra (phonetic), that's why you gave him the nursery license, landscaping, whatever he calls his place. The town in its wisdom has said that you need 20 acres to maintain a certain amount of animals on. I don't think if you have five acres you can just keep applying for variances and keep going. I don't think that it makes a difference to his business to have animals. So I'm opposed to it.

MR. NUGENT: Okay, anybody else? I'll close the public hearing and I'll open it back up to the board for their comments or questions. Did you have a Bill of Sale for the horse, did you send that around?

MR. REIS: I didn't see it.

MR. NUGENT: You just showed it to him and brought it back?

MS. BOYLE: Yes.

MR. NUGENT: We weren't able to see it.

MS. OWEN: Jim, is there any way we can speak to the Animal Control Officer before we vote on this?

MR. NUGENT: Absolutely.

MS. OWEN: I would like to hear what she has to say.

MR. PELLEGRINO: She was on the property this morning.

MR. SUSSMAN: We have no objection to that, that would

be helpful, she's the most objective source here, as between the disputants who have agendas, whatever they may be and frankly speaking with her would be useful and we support that. We don't have any problem. I was hoping she'd be here.

MS. BARNHART: I gave her a copy of the notice.

MR. SUSSMAN: I'm sure she has something to do.

MR. TORLEY: Is the motion to adjourn the meeting therefore appropriate for that purpose of obtaining input from the Animal Control Officer?

MR. NUGENT: Yes.

MR. REIS: Before you do that, I'd like to ask a question, if I may, John, just to summarize this, these animals are new to the property with you taking possession of the property, is that accurate?

MR. PELLEGRINO: These animals are.

MR. REIS: And they don't really serve a function with business, it's for your purpose, enjoyment of the children and the people that come to visit?

MR. PELLEGRINO: Well, no, because come to the special events that we have, we advertise that we'll have a petting zoo for the children and it brings in a lot more customers than when we don't advertise it. The week before Halloween, we advertised with a petting zoo two weeks before with the petting zoo and we had over 400 customers that weekend, the following weekend since there was an objection to the ad that is when this whole thing came across, we didn't advertise and we had 23 customers.

MR. REIS: It's become an integral part of your business.

MR. SUSSMAN: We would be very receptive to if you wanted to and I know from Chester we have had this if you want to come to the property and view it, to get your own appreciation for both the proximity to the

adjacent farm which I spoke of earlier, the fact that this is set back quite a bit from the road, I don't know where the neighbor who spoke earlier lives, I don't think there's any externality that would affect her from what I saw, I don't know where she lives, but it's inconceivable if one saw where the animals are penned, it would affect them. If any of you want to, Mr. Pellegrino would be happy to show you around. So you can see for yourself both the condition of the animals and the way that they are kept and where on the property they lie. Because it's fairly far set back from the road, number one, it's not adjacent to anyone else's property that I could see inspecting it and I think it would convince you that it's not like a situation where somebody has a 5 acre parcel and next to somebody else with a suburban 5 acre parcel and somebody else with such a parcel and leading to kind of congestion and feeling of impact, so I would invite anyone to do that.

MR. REIS: How many feet away from the property line are your pens?

MR. PELLEGRINO: There is a diagram there but it's at least 150 feet from one side and the other side 200 feet, it's right in the middle of the property where the animals are kept.

MR. SUSSMAN: There's a road, I don't know, why don't you show them?

MR. PELLEGRINO: This is the right-of-way to the neighbor's property, this is 207 here, this is the farm, farm is here, it goes over on this whole side.

MR. TORLEY: I would then move that we adjourn the meeting and request input either in person or by letter from the Animal Control Officer regarding this situation.

MR. NUGENT: All right, do I have a second?

MS. OWEN: Second it.

MR. KRIEGER: Adjourn it to a particular date?

January 11, 1999

56

MS. BARNHART: Next meeting, which is two weeks from tonight.

ROLL CALL

MS. OWEN	AYE
MR. TORLEY	AYE
MR. REIS	AYE
MR. NUGENT	AYE

DECISION: PELLEGRINO, JOHN

Mr. John Pellegrino appeared before the board.

MR. NUGENT: We have a letter which I think you all received from Janice Plant, Animal Control Officer, did you all have a chance to read it?

MR. REIS: Yes.

MR. KANE: Yes.

MR. NUGENT: My biggest problem with this as soon as I find the sheet is Michael, I don't have R-1 bulk table sheet, do you have one?

MR. BABCOCK: No, I don't. I can get one.

MR. TORLEY: Twenty acres for agricultural, there's nothing there about exhibiting animals?

MR. BABCOCK: No, it says raising, keeping and breeding, basically.

MR. NUGENT: Well, the disapproval was written 48-12 use bulk table keeping of more than two horses is prohibited. The application requests additional pony, a pair of emu and one llama and four pygmy goats, my only problem with this he only has 5 acres of land and I believe R-1 requires 20.

MR. BABCOCK: Right, we can change that, Mr. Chairman, if that is the wishes of the board, but the section of the code which is the same as R-3 under accessory permitted uses, it tells you you can keep animals but the number of animals and that is the section that we used he's allowed to have two dogs, three cats and two horses and ten fowl and so on and so forth, as an accessory use, that's the section we used, we can go back to this section what wouldn't be on this one.

MR. TORLEY: I think the horse has changed anyway.

MR. BABCOCK: Not as of today.

MR. TORLEY: So five acres you can have two horses?

MR. BABCOCK: According to that zoning there where they are, you can have two horses on an acre that's R-3, Jim, you have to be careful using that section.

MR. NUGENT: That's why I wanted an R-1.

MR. BABCOCK: One acre is all you need for two horses in an R-1 zone, you have to maintain them 75 feet from the property line.

MR. TORLEY: Which is impossible to do, whereas, if this property was 20 acres, there'd be no constraints whatsoever.

MR. BABCOCK: That's correct.

MR. NUGENT: I don't think this is as important as what animals are on there, as it is important as the amount of square footage that he has or acreage.

MR. TORLEY: Yes but if it's five acres and he's got two horses and he wants to have one other animal, he would need a variance.

MR. NUGENT: No, that's not what this says. He can have three cats, four dogs or not more than ten fowl, not more than two of any other species of domestic animals, excluding however all pigs and cattle, that doesn't satisfy, can't have, doesn't satisfy, can't have pygmy goats. I don't think the animals are even in the conversation. Would you please get me an R-1 map?

MR. TORLEY: Andy, I'm not familiar with the affect if any on the town applications if there's an exhibitors Class C license, do you know anything about that?

MR. KRIEGER: Not in the Town Law, no.

MR. TORLEY: You're not familiar with USDA regulations?

MR. KRIEGER: No, I'm not, the building, the Animal Control Officer advises that it would be subject to

them and he'd have to get such a thing but--

MR. TORLEY: I don't know if a USDA license for an exhibitor may have its own requirements for area, et cetera, that you couldn't meet and if he couldn't meet the exhibitor's license from the USDA, that might have a bearing on my view of how this application should be viewed. The USDA comes and says this is unacceptable--

MR. KRIEGER: Regardless of the action taken by this board, the USDA will not change its requirements nor is it bound by what this board does.

MR. TORLEY: Wouldn't expect them to, but if they come in and say for a petting zoo, we insist on--

MR. PELLEGRINO: USDA gave their list of violations on the sheet of paper you have for exhibitor's Class C license.

MR. TORLEY: That was a question of the huts, sheds, fencing, et cetera.

MR. PELLEGRINO: Those are the improvements that had to be made to get the Class C license permit.

MR. TORLEY: I think that when the Town Board was drawing up the regulations and talking about ten domestic fowl, they had in mind something a little smaller than an emu. We've had other situations where an applicant came in requesting a variance for having a number of domestic animals or pets in excess of that permitted by the code and on those circumstances there were occasions where we gave such a permit tempered that as the animals died they would not be replaced until you reached, until you descended to the appropriate level for that property. Now, I want to thank Jimmy for reading that, theoretically, he'd be permitted to have two horses and up to ten domestic fowl plus several dogs but no pigs.

MR. NUGENT: Three cats or dogs, no cattle and pigs, that's it.

MR. TORLEY: Doesn't say anything about goats?

MR. NUGENT: No and two of any other species of domestic animal.

MR. TORLEY: So you could have two ponies, two emu, two goats, couple of dogs and be within the code?

MR. NUGENT: Yes and he can have them on five acres which is what he has.

MR. TORLEY: Actually has the land, he has more than five acres.

MR. PELLEGRINO: It's 5.1.

MR. TORLEY: So I would be--

MR. NUGENT: Really doesn't fall into any one of these categories.

MR. BABCOCK: That's our problem.

MR. NUGENT: Really doesn't fall into raising, keeping, breeding of cattle, building structures owned and operated by the Town of New Windsor Public Parks, outdoor recreational facilities, just doesn't fall into any of those categories.

MR. TORLEY: So absent falling into those categories, I'd think we have to go with a more restrictive one which would be the two horses and ten fowl that particular line, so I would be, my feeling would be that we would grant such a variance that would decline with passage of animals down to that state that the goats wouldn't be replaced until you got down to two goats, you only have two horses, you could keep the two emu but frankly, I can't believe, my feeling is I'm going to count two emu as at least ten chickens. Grant the variance to decline to that level over some reasonable period of time because I don't really think we want to encourage, this is a lot of animals beyond that.

MR. NUGENT: Mr Pellegrino, how many horses do you have right now?

MR. PELLEGRINO: There is three ponies.

MR. NUGENT: No horses?

MR. PELLEGRINO: No horses.

MR. TORLEY: Does the code differentiate between ponies and horses?

MR. BABCOCK: Age, he's allowed to have two and two under six months under the section that I had showed you, Jim, you can have two horses and two ponies not more than six months old, so if they have babies, they can keep them for six months, basically.

MR. REIS: Make these adjustments, emu for chickens and weight equals volume or whatever, if you go by the zoning, he will have to get rid of the one pot belly pig.

MR. TORLEY: That has been adjudicated in other townships in the area of pot belly pigs, that was said that that did not count as a domestic pet, so by the code, the pig would not be permitted.

MR. REIS: John, is there anything from the DEC that you would not be able to accommodate them?

MR. PELLEGRINO: DEC for what?

MR. REIS: USDA rather.

MR. PELLEGRINO: To accommodate what?

MR. REIS: Require you to replace or repair some structures.

MR. PELLEGRINO: Structures have all been replaced or repaired, all we're waiting on is the fencing because that was a major expense that I didn't want to deal with until we were approved here.

MR. REIS: Everything else has been taken care of?

MR. TORLEY: The sheds are nice, if you drive slowly on the road you can see they are not obtrusive, but they are visible and they are in good shape.

MR. NUGENT: Are they 75 feet away from your lot line?

MR. PELLEGRINO: The sheds are right in the middle of the property, they are 200 feet away from the property line.

MR. NUGENT: Well, what's your pleasure, you have enough questions and answers, make up your mind.

MR. TORLEY: Mr. Chairman, if you entertain a motion on this matter, I'm going to ask for Andy's help, that we grant Mr. Pelligrino a variance for his existing stock with the proviso that no animal that is either sold, dies or otherwise leaves the property is replaced until the total number of animals on the property meets the code as described in Section 48-12 and that he be given, we can give variances, they can be given a time?

MR. KRIEGER: Yes, they can.

MR. TORLEY: Five years sounds reasonable for pigs, goats to die off, limited timeframe in which these animals will be reduced to the permitted values.

MR. BABCOCK: I think you've said that as they leave, they don't come back, but you can't really put a time limit on something on how long something's going to live.

MR. TORLEY: We'll leave it open to that extent, but I don't know gentlemen, whether your opinion of the pot belly pig is a different item or not since that's expressly forbidden.

MR. NUGENT: That cannot be according to the code.

MR. TORLEY: Then we'd have to eliminate, the pig would have to be disposed of. That we grant a variance for his existing stock, that they not be replaced existing approved stock of animals and they not be replaced until they reach the levels permitted by Section 48-12

January 25, 1999

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and that all non-approved animals must be removed.

MR. KANE: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	NO
MS. OWEN	AYE
MR. TORLEY	AYE
MR. NUGENT	NO

MR. TORLEY: Is it within our purview to ask what your preferences would have been?

MR. KANE: No.

MR. TORLEY: I'm willing to change it.

October 5, 1998

I Francis E. Tunge residing in Rock Tavern made the following statement to be as truthful to the best of my knowledge.

The land in question owned now by John Pellegrino (52-1-6) was partially owned by my family and was used for farming crops and livestock. In 1945 the land was conveyed to the W. Targredi which was used in the same manner.

In 1956 the land was then sold to Raymond Heintz. At that time my family farmed the land for the Heintzes. They also kept several pieces of the livestock on the land until Oct of 1996. In March of 1997 the land was sold to John Pellegrino who brought in livestock in April or May of that year, as well as opening a nursery on the land.

DEPT. T. JONES - TOWN JUSTICE
CORNWALL, NEW YORK
COPIES OF RECORD
BY MAIL EXPIRES DECEMBER 31, 1998

X Francis E. Tunge

Property farmed, the rear section
which raises crops such as
peppers, corn, tomatoes etc.

WITNESS 10/5/98

Joseph Thomas

JOSEPH L. THOMAS
JUDGE OF THE TOWN JUSTICE
CORNWALL, NEW YORK
My term Expires December 31, 1999

Francis E. Jang
Yours truly:

1/11/99 Public Hearing: Pellegrino, John #98-46

Name:

Address:

objection →

"

Lisa Boyle 2826 Rt 94 Washingtonville NY 10992

Susan Jones 1679 Little Britain Rd. Rock Tavern NY

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

Prelim.
Nov. 9, 1998
98-46

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: September 21, 1998

APPLICANT: John Pellegrino Enchanted Gardens Nursey
1721 Little Britain Road
Rock Tavern , New York 12575

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: September 17, 1998

FOR :

LOCATED AT: 1721 Little Britain Road

ZONE: R-1

DESCRIPTION OF EXISTING SITE: 52-1-6

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 48-12, Use Bulk Tables. Keeping of more than two horses is prohibited. Application requests an additional pony, a pair of EMU, one llama and four pygmy goats.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: USE:

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE ,W/ ATTACHED MAP

RECEIVED

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

SEP 17 1998

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy. **BUILDING DEPARTMENT** make an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing is completed and before it is covered from inside and plumbing rough-in.
5. Insulation.
6. Plumbing final and final. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Permit number must be called in with each inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

PLEASE PRINT CLEARLY

FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises John Pellegrino - ENCHANTED GARDENS NURSERY

Address 1721 Little Britain Rd Phone 496-1422

Mailing Address _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder Owner

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

FOR OFFICE USE ONLY

Building Permit # _____

Denied 48-12 R-1 ZONE ANIMALS,
KEEPING MORE THAN 2 HORSES IS PROHIBITED

1. On what street is property located? On the S side of R+207
(N,S,E or W)
and _____ feet from the intersection of _____
2. Zone or use district in which premises are situated R 1 Is property a flood zone? Y _____ N _____
3. Tax Map Description: Section 52 Block 1 Lot 6
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy Nursery b. Intended use and occupancy Nursery
5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☒
Addition Pony - Pair of EMU - LLAMA & 4 Goats (Pygmy) for Personal use
6. Is this a corner lot? _____
7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____
Heating Plant Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____
If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost _____ Fee _____
(To be Paid on this Application)
11. School District Washingtonville

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

1 / 19

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi, Ernst Schmidt
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 564-4618 563-4615
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

REFER TO:

Planning Board ☐ Highway Dept ☐ Sewer ☐ Water ☐ Zoning Board of Appeals ☐

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

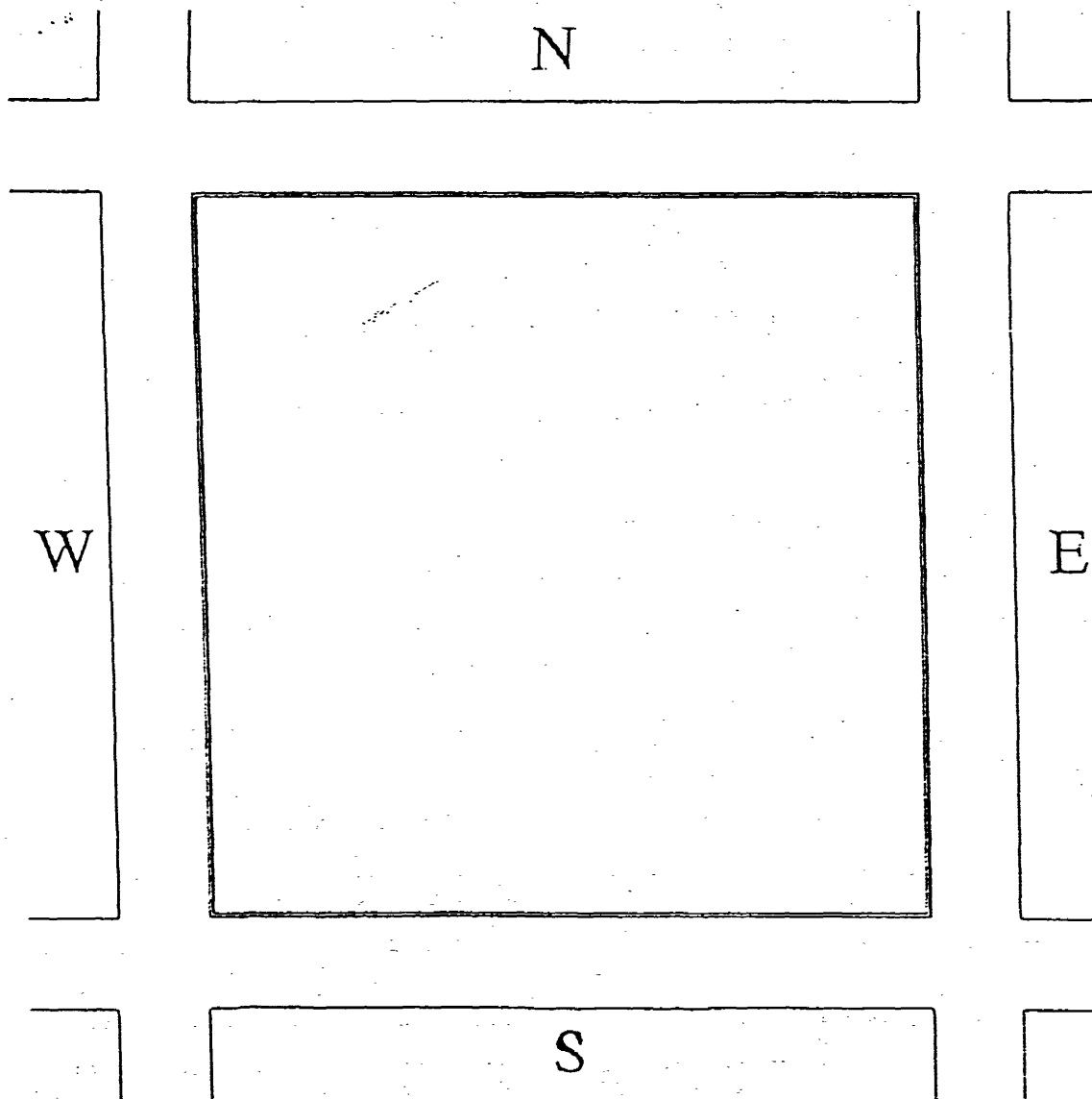

(Signature of Applicant)

1721 ~~420~~ Little Brittain Rd
(Address of Applicant)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



29

AGRICULTURAL

DISTRACT

PROTECTION
DISTRICT

17
•
H A (C)

SECTION

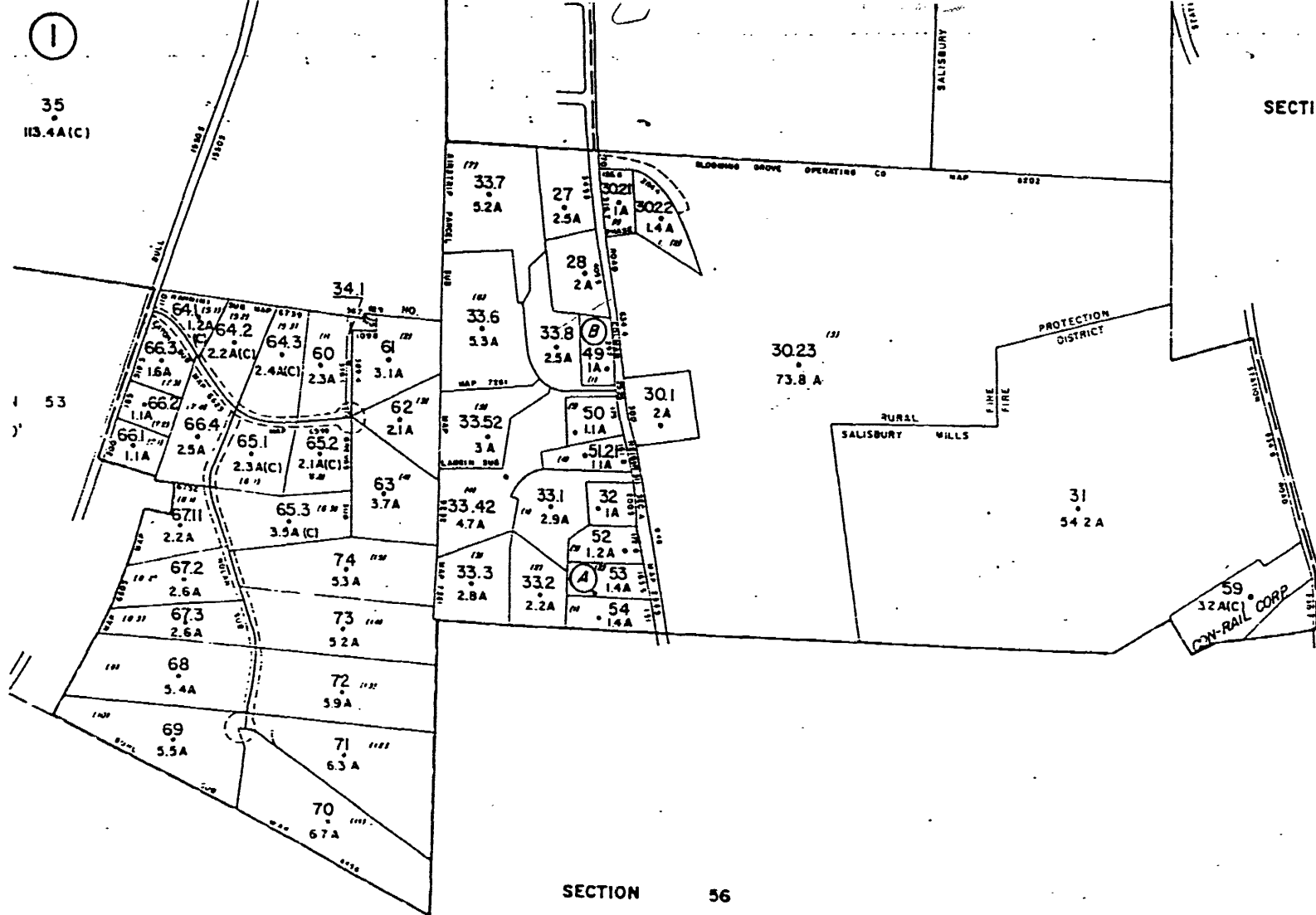
SEE SECTION 74
1" = 100'

RURAL MILLS

①

35
113.4A(C)

SECTION



SECTION 56

ALL WASHINGTONVILLE SO

FILED PLAN BLOCK NO	② ③
FILED PLAN LOT NO	1-32
STATE HIGHWAYS	N.Y. STATE ROAD NO. 17
COUNTY HIGHWAYS	COUNTY ROAD NO. 4
TOWN ROADS	TOWN ROAD NO. 1

ORANGE COUNTY~NEW YORK

Photo No: 8 - 499,500
Date of Photo: 3-1-65

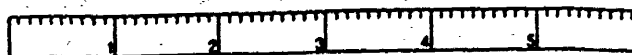
Date of Map: 9-24-67
Date of Revision: 3-1-93

Scale: 1" = 400'

TOWN OF NEW

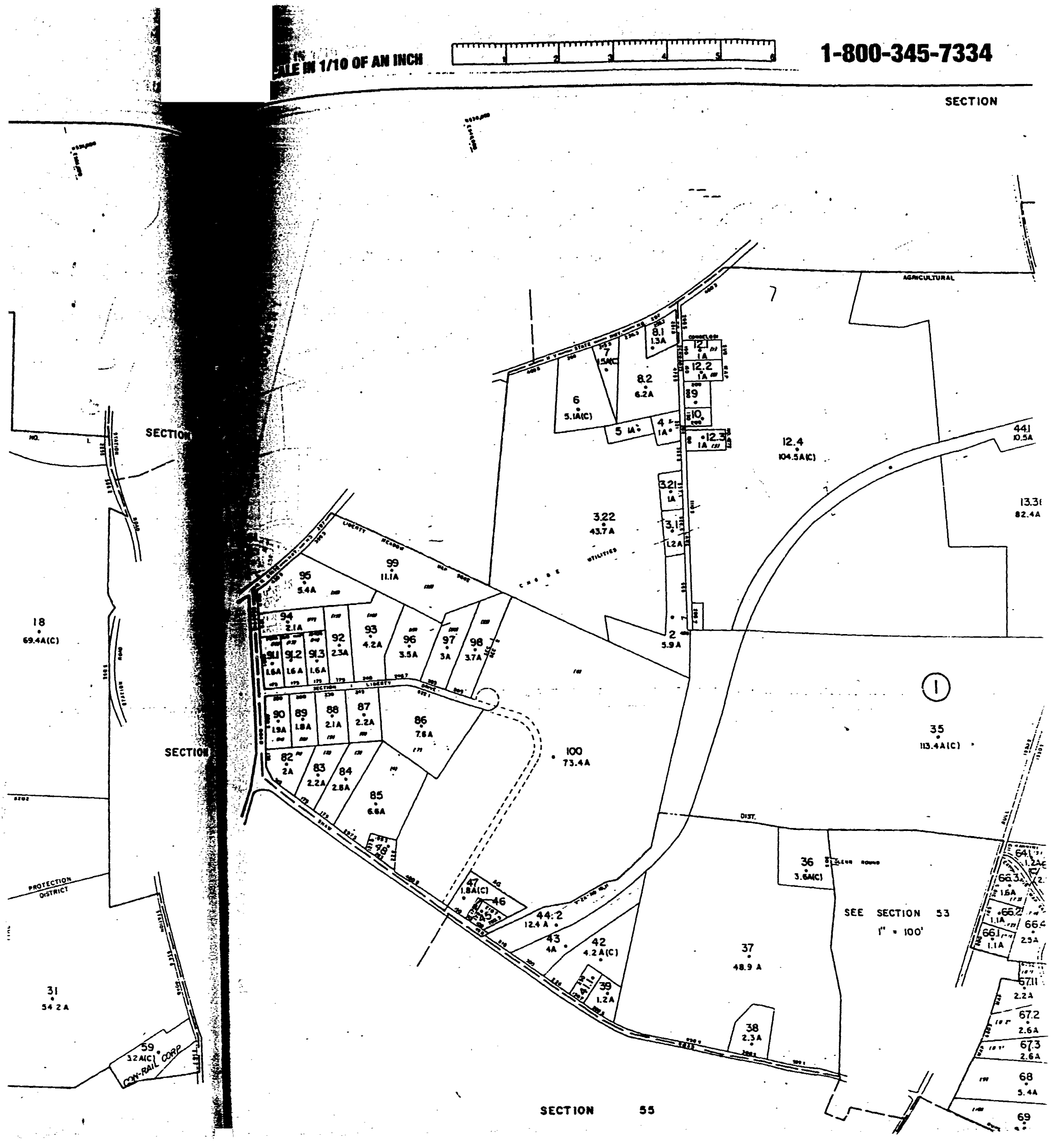
Section No. 52

SCALE IN 1/10 OF AN INCH



1-800-345-7334

SECTION



SECTION 55

ALL WASHINGTONVILLE SCHOOL DIST.

TOWN OF NEW WASHINGTON

Section No. 52

100000

LEGEND

STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO.	FILED PLAN BLOCK NO.
CITY, TOWN OR VILLAGE	EASEMENT LINE	TAX MAP PARCEL NO.	FILED PLAN LOT NO.
BLOCK & SECTION LINE	MATCH LINE	AREAS (Good) 11 12 (Cancelled) 11 6 AM	STATE HIGHWAYS
SPECIAL DISTRICT LINE	STREAMS	DIMENSIONS (Good) 11 12 (Cancelled) 11 6 AM	COUNTY HIGHWAYS
PROPERTY LINE	GRID COORDINATE CENTERS		TOWN ROADS

Date 1/25/98, 19....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550

DATE	CLAIMED	ALLOWED
1/16/99	75 00	
Zoning Board Mtg		
Misc - 3		
Brig - 3		
Cigano/Mellick - 3		
Mans - 10		
Orwest/Dairy Mart - 22		
Dantas - 4		
Pellegrino - 3 * 58.50		
58	261 00	
James Hugen	336 00	

INTER-OFFICE CORRESPONDENCE

TO: ZONING BOARD OF APPEALS
FROM: JANICE PLANTE - ANIMAL CONTROL OFFICER
SUBJECT: PELLEGRINO APPLICATION
DATE: JANUARY 20, 1999

In my professional opinion, Mr. Pellegrino needs to be monitored in connection with the care of his animals.

If he is allowed to keep these animals and maintain a petting zoo atmosphere, he will be under the regulations of the USDA Animal and Plant Health Inspection Service, Animal Care. Please note that he has made an application for an Exhibitor's Class "C" License and if he is granted the license, the care and maintenance of these animals will be monitored through USDA regulations.

I feel it is necessary for me to also monitor his activities as Animal Control Officer for the Town of New Windsor in order to make sure that he is in compliance with the USDA regulations.

Janice Plante, ACO

A handwritten signature in cursive script that reads "Janice Plante". The signature is written in dark ink and is positioned below the typed name.



United States Department of Agriculture
Animal and Plant Health Inspection Service
Animal Care

RECEIVED

NOV 08 1998

INSPECTION REPORT

John Pelligrino
Enchanted Gardens Nursery
1721 Little Britain Blvd
Rock Tavern, NY 12575

Site 001
Same

Complaint
10-28-98
11:00 am
Complaint

NARRATIVE

This inspection was being conducted to determine if any regulated activities are taking place. At this time 3 ponies, 4 goats, 1 Barbados sheep, 1 pot belly pig, and 1 llama are on display to the public.

CATEGORY III: Non-compliant item(s) identified this inspection.

Section - 3.125(c) - Utilities/Washroom/Storage - All supplies of food and bedding must be stored in a manner that protects them from vermin infestation, contamination, and deterioration. During the inspection today several opened bags of grain were found on the floor of the storage shed. All opened bags must be kept in closed containers while unopened bags need to be kept up and off of the ground. All chemicals and miscellaneous items must be stored away from the food and bedding.

Section - 3.125(d) - Drainage and Waste Disposal - The disposal facilities shall be so provided and operated to minimize vermin infestation, odors, and disease hazards. During the inspection today there were several piles of llama manure just to the left of the public walkway. Due to the close proximity to the animal enclosures these piles need to be removed.

Section - 3.127 - Shelter from Elements - Shelters need to be provided for all animals on the premise.

1. The llama shelter is constructed of a plywood roof, a torn blue tarp makes up the back side, the left side is partially covered with the blue tarp, and the right side is the left side of the goat and sheep shelter. A more secure and functional shelter must be erected for this animal.

2. The shelter for the goats, sheep, and pig has to holes in the bottom right wall. This wall needs to be replaced or repaired.

3. The right wall of the goats, sheep, and pig shelter has detached from the back wall and has left an opening that ranges from ~1"-12". This wall needs to be replaced or repaired.

Prepared By: Jan Puzas Harlan Willis
Title: Jan Puzas, Animal Care Inspector, USDA, APHIS, Animal Care

Date: 10-28-98
LARIS ID NO. 1011

Copy Received By: [Signature]
Title: [Signature]

Date: 10/28/98



United States Department of Agriculture
Animal and Plant Health Inspection Service
Animal Care

INSPECTION REPORT

Section - 3.125(a) - General Requirements - Housing facilities must be maintained structurally sound and in good repair. The entire animal area is constructed of livestock fencing which is attached to branches.

These branches are the posts and railings of the animals primary enclosures. During the inspection today it was noted that the livestock fence is not securely attached to these branches. There are several gaps along the top and bottom sections. This fencing needs to be replaced.

Section - 3.130 - All water receptacles must be kept clean and sanitized. All of the water receptacles on the premise had an accumulation of algae, dirt, grim, and hay. These need to be scrubbed out.

Section - 3.131(c) - Housekeeping and Pest Control - All housing facilities must be kept clean and in good repair. The llama enclosure had twine present along the back and attached to the top fence post. There was also a plastic planter within this enclosure. And the sheep, goat, and pig enclosure also had pieces of twine present. These areas need to be kept free of all miscellaneous items.

Section - 2.75 - Records - Records need to be kept as to whom all animals were acquired from or sold to. Owner was not present. No records were available for inspection.

Section - 2.40 - Veterinary Care - Each facility must maintain an attending veterinarian and the animals must be observed daily to ensure their health and well being.

1. Due to the fact that this facility is exhibiting animals to the public a USDA license will be needed. Therefore, a Program of Veterinary Care form must be completed by the attending veterinarian.

2. The male goat had a mat on the left, front elbow. This entire front leg appeared to be wet. This may be an indication that the mat is irritating the area. This mat needs to be removed and the area examined for any irritation.

3. The halter on the llama appears to be tight around the back of the head and at the base of the ears. Due to the animals temperament (threatening to spit) we could not get close enough to determine the tightness of this halter. The facility and / or the attending vet must determine the proper halter size and fit.

Prepared By: Jan Puzas Charles Will
Title: Jan Puzas, Animal Care Inspector, USDA, APHIS, Animal Care

Date: 10-28-98

LARIS ID NO. 1011

Copy Received By: [Signature]

Date: 10/28/98

Title: [Signature]



United States Department of Agriculture
Animal and Plant Health Inspection Service
Animal Care

INSPECTION REPORT

4. All four (4) goats and the pot belly pig had excessively long hooves. These need to be trimmed.

5. The brown goat was observed limping on his front, left leg. This animal needs to be examined by the attending veterinarian.

6. The pot belly pig had an ocular discharge. This needs to be examined by the attending veterinarian and all diagnosis, prognosis, and / or treatments documented.

Section - 2.1 - Requirements and application - Any person operating has an exhibitor must obtain a USDA Exhibitor Class "C" license. This facility is exhibiting animals to the public, therefor a USDA license is needed.

A prelicensing packet has been left with Mr. John Pelligrino.

THE APPLICATION AND APPLICATION FEE MUST BE SUBMITTED TO THE REGIONAL OFFICE BY:

NOVEMBER 10, 1998

NO COVERED ACTIVITIES CAN BE CONDUCTED UNTIL A USDA LICENSE HAS BEEN OBTAINED.

Prepared By: Jan Puzas Theresa Willis
Title: Jan Puzas, Animal Care Inspector, USDA, APHIS, Animal Care

Date: 10-28-98

LARIS ID NO. 1011

Copy Received By: [Signature]

Date: 10/28/98

Title: Director

June 26, 1998

John Pellegrino transfers ownership, of an older white gelding, named Pina Colada, for the sum of one dollar, to Lisa Boyle, upon receipt of a negative Coggins test.

Seller releases all claims and rights upon transfer of the horse.

Seller: John Pellegrino Date: 6/26/98

Buyer: Lisa Boyle Date: 6/26/98

Witness: J. Cartwright Date: 6/26/98

TOWN OF NEW WINDSOR
COUNTY OF ORANGE
555 UNION AVENUE
NEW WINDSOR, NY 12553

(914) 565-8800

BUILDING DEPARTMENT

Building Permit No: 9171

Location: RT.207

Map: 334800 Section: 52 Block: 1 Lot: 6

CERTIFICATE OF COMPLIANCE

CO No: 98-475


CO Date: 11/ 9/98

THIS CERTIFIES that the structure described herein, conforms substantially to the approved plans and specifications heretofore filed in this office with Application for Building Permit dated: 9/22/98, pursuant to which Building Permit was issued, and conforms to all the requirements of the applicable provisions of the law.

The structure for which this certificate is issued is as follows:

Material:	Number of Stories: 0.0	Number of Families: 0
Dimensions of Building: 10FT.X35FT.	Dimensions of Lot:	
Use of Building: SHED	Number of Bedrooms: 0	Heating Plant:
Number of Toilets: 0	Number of Bathrooms: 0.0	
Remarks:		
10FT.X35FT. SHED **C-7**		

This certificate is issued to: PELLEGRINO,JOHN-ENCHANTED GARDENS NURSE.
for the aforesaid structure.


Building Inspector

(The Certificate of Compliance will be issued only after affidavits or other competent evidence is submitted to the Superintendent of Buildings that the completion of the construction in compliance with the State Building Construction Code and with other laws, ordinances or regulations affecting the premises, and in conformity with the approved plans and specifications. A final electrical, plumbing, heating or sanitation certificate or other evidence of compliance may be required before the issuance of the Certificate of Compliance).

DISTRIBUTION: WHITE to APPLICANT, CANARY to FILE, PINK TO OFFICE



Noah's Ark Animal Hospital

Large & Small Animal Veterinary Services

40 A Maple Ave • Goshen, NY 10924

Dr. Douglas Tuthill

(914) 294-4109



Dr. Catherine Murphy

R&F- 1/11/99.

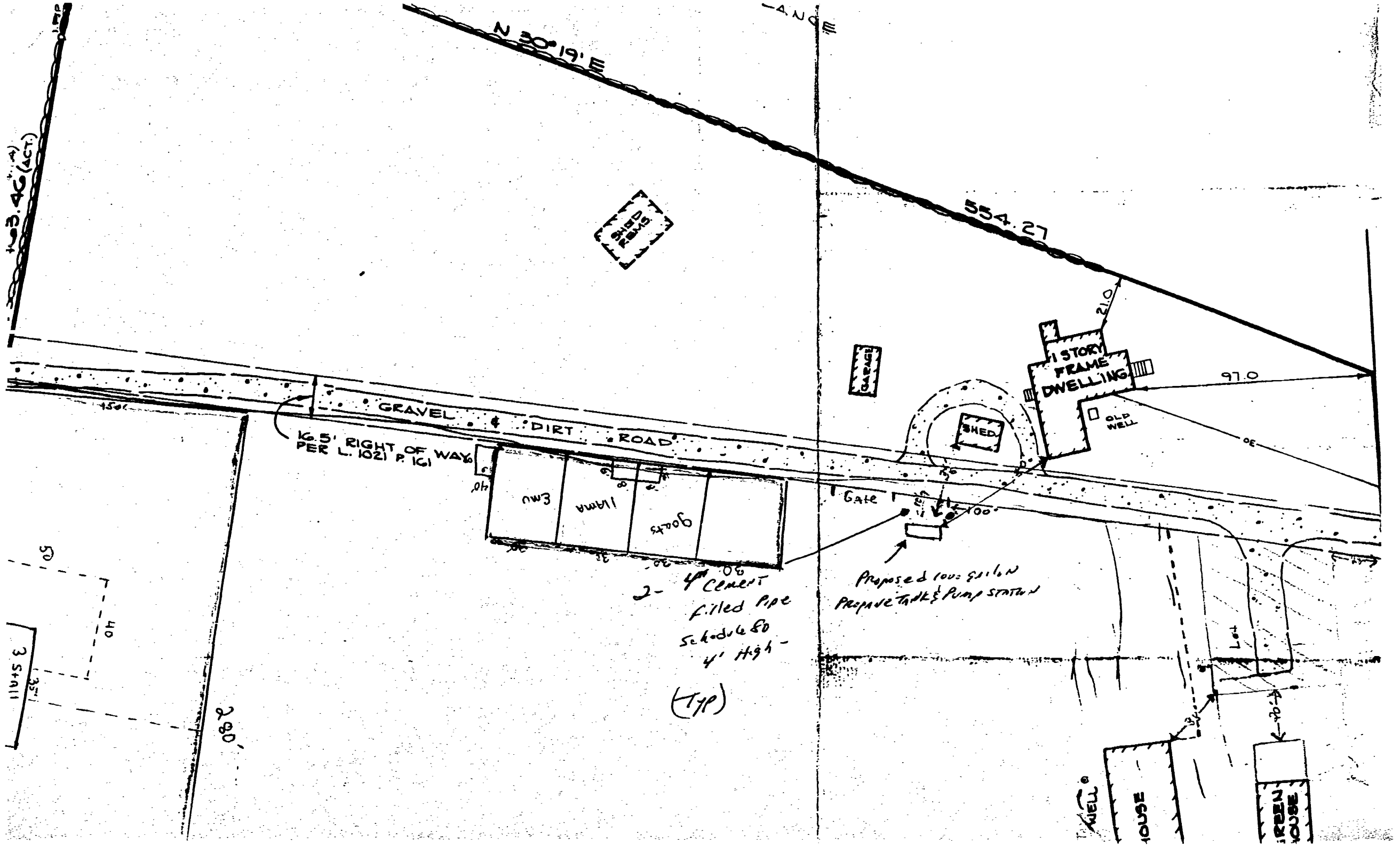
1/9/99.

To whom it may concern:

I visited John Pellegrino's farm 10 wks ago. The animals had food water and shelter. None appeared to be sick or malnourished.

He is trying to upgrade his facilities for housing.

Thank you
Dr. Tuthill



SHED

GARAGE

1 STORY
FRAME
DWELLING

OLD
WELL

554.27

N 30° 19' E

GRAVEL
DIRT
ROAD

16.5' RIGHT OF WAY
PER L. 1021 P. 161

Cows
Horse
Goats

2- 4' CEMENT
FILLED PIPE
Schedule 80
4' High -
(Typ)

Gate
Proposed 100' x 10'
Pump Station

WELL
HOUSE

GREEN
HOUSE

200'

35' x 40'

40'

50'

**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK**

In the Matter of the Application for Variance of

John Pellegrino / Enchanted Garden
Applicant.

98-46.

**AFFIDAVIT OF
SERVICE BY
MAIL**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.

That on 12/21/98, I compared the 14 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
21st day of December, 1998.

Mary Ann Hotaling
Notary Public

MARY ANN HOTALING
Notary Public, State of New York
No. 01HO5062877
Qualified in Orange County
Commission Expires July 8, 2000



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

December 10, 1998

(14)

John Pellegrino
1123 Rte. 207
Rock Tavern, NY 12575

Re: 52-1-6 (Enchanted Garden)

Dear John Pellegrino:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced properties.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's office.

Sincerely,

Leslie Cook (CMO)

LESLIE COOK
Sole Assessor

/jdh
Attachments



52-1-7

William C. & Karen R. Rave
1711 Little Britain Rd.
Rock Tavern, NY 12575

51-1-33.1

Airport Director, NYS Dept. of Trans
Stewart International Airport
1035 First Street
New Windsor, NY 12553

52-1-8.1

Norma I. Day
420 W. 259th St.
Bronx, NY 10471

51-1-102

Andrew M. & Wanda J. Herina
1 Hampton Court
Rock Tavern, NY 12575

52-1-8.2

Dirk & Carmella Polman
1703 Little Britain Rd.
Rock Tavern, NY 12575

51-1-103

Wayne H. & Elizabeth Moran
3 Hampton Court
Rock Tavern, NY 12575

52-1-10

Lance G. Gibbs
PO Box 7261
Newburgh, NY 12550

51-1-104

Louis A. Contini
5 Hampton Court
Rock Tavern, NY 12575

52-1-12.3

Nicholas A. Jones
1679 Little Britain Rd.
Rock Tavern, NY 12575

51-1-105

George & Kathleen Zubalsky
Rte 207 Box 10A
Rock Tavern, NY 12575

52-1-3.21

Kenneth F. & Josephine A. McElroy
Bull Rd.
Washingtonville, NY 10992

52-1-3.22

Frederick J. Lange
Rte 207
Rock Tavern, NY 12575

52-1-4

Antonio Bienes & Pamela Carter
32 Swartz Lane
Rock Tavern, NY 12575

52-1-5

Frank & Nancy Lange
40 Schwartz Lane
Rock Tavern, NY 12575

Pks. publish immediately. Send bill to Applicant @ below address.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 46

Request of John Pellegrino - Enchanted Gardens Nursery

for a VARIANCE of the Zoning Local Law to permit:

Keeping of livestock w/ less than the allowable
acreage;

being a VARIANCE of Section 48-12 - Table of Use/Bulk Regs. - Col. C

for property situated as follows:

1721 Little Britain Rd., (Rock Tavern) New Windsor, Ny.

known as tax lot Section 52 Block 1 Lot 6.

SAID HEARING will take place on the 11th day of January,
1999, at New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York, beginning at 7:30 o'clock P. M.

Vimes Nugent
Chairman

By: Patricia A. Barnhart,
Secy.

PRELIMINARY MEETING:

PELLEGRINO, JOHN

MR. NUGENT: Request for use variance to house two horses, additional pony, a pair of EMU, one llama and four pygmy goats at 1721 Little Britain Road in an R-1 zone. Not permitted use.

Mr. Pellegrino appeared before the board for this proposal.

MR. PELLEGRINO: I have a letter from a neighbor that is on the farm around us stating that it's always been used as farm. I made everyone a copy. I also have that notarized. Also took some pictures showing there's plenty of room for the animals up there.

MR. NUGENT: You can keep talking, we'll just keep looking.

MR. PELLEGRINO: Letters there from the neighbors saying it's always been used for farming and livestock has always been on it. There's a report from the USDA stating that they didn't find any problems with the animals, few minor things, water bowls or things. Last letter from a lawyer to the lady that is causing the problems with the animals and we'd just like to keep the animals there.

MR. TORLEY: I assume would you be able to tell us the USDA inspection reports complied?

MR. PELLEGRINO: Only thing that hadn't been complied with redoing the sheds and fencing.

MR. KANE: That's up to the USDA.

MR. TORLEY: But as the zoning board, we want to make sure.

MR. KANE: We're still not enforcement.

MR. TORLEY: Makes me feel better seeing that they corrected the deficiencies reported by some other

agency. Mike, he would need 20 acres for this to be legitimate?

MR. BABCOCK: That's correct.

MR. KANE: What he is claiming here is right now is that it's a pre-existing.

MR. REIS: John, what brings you to the ZBA?

MR. PELLEGRINO: I have letters from the neighbor that a farmer owned that land forever, it's always been his in family, even the lot that I am on originally belonged to his family.

MR. NUGENT: Mike, this piece of property is a commercial piece of property, right?

MR. BABCOCK: No, it's in an R-1 zone residential.

MR. NUGENT: But he's using it as commercial?

MR. BABCOCK: It was a continued use as a commercial piece of property or agricultural use maybe would be better than commercial.

MR. KANE: We decided that when the property was transferred.

MR. BABCOCK: Right.

MR. NUGENT: Are animals included in a agricultural area? Yes?

MR. BABCOCK: Yeah, but our zoning says you have to have 20 acres or more to house anymore than, they go on to tell you domestic animals, such as cats and dogs, anything other than that, you need 20 acres.

MR. NUGENT: So, what I'm trying to find out we're looking for a use or area variance, if we say that yes, animals are allowed in an agricultural zone, then we need an area variance?

MR. BABCOCK: Right.

MR. NUGENT: But it's not an area variance, it's not an agricultural zone.

MR. BABCOCK: Right, it's something that I have never dealt with before, so we just wrote it up.

MR. KANE: If in his papers he's stating that the animals have been there in one form or another since 1945, there's always been livestock on that property and we contended that it was a continued use as the flower shop that previously doesn't, this wouldn't, this becomes more of an interpretation that he's been, it's a continued use since before zoning, I'm not sure.

MR. BABCOCK: That's what he would like to do, Mr. Chairman, and when we wrote this up what we did was is it was an avenue to get him to the zoning board, we needed to do something because we had a complaint.

MR. NUGENT: So then in reality, it could be an interpretation?

MR. BABCOCK: That's correct.

MR. KRIEGER: It's an interpretation of an area variance.

MR. KANE: That's the way I read it.

MS. BARNHART: No use?

MR. NUGENT: No, it's not a use.

MR. KRIEGER: I would suggest that the appropriate application would be interpretation and secondarily a use. I think you have seen that before. The question being whether this, the present use of this property is the same as the way it's been used since 1945, the property hasn't changed, then the 20 acre requirement becomes moot, to a certain extent, cause you're dealing with this particular piece of property whereas the 20 acre rule would apply if it were a new use or if it didn't predate zoning, certainly would apply in any initial look at it.

MR. KANE: Basically, if he can prove to our satisfaction at the public hearing that this predated zoning it ends right there, he doesn't need an area variance?

MR. KRIEGER: He doesn't need any variance because it's a pre-existing non-conforming use, correct.

MR. TORLEY: When you do come back, I'd appreciate it if you can have some photographs from the road looking out toward the property, these are all looking toward the road, if so we can see what's visible from the road.

MR. PELLEGRINO: All you can see is a greenhouse from the road.

MR. NUGENT: I'll accept a motion, no further questions on setting Mr. Pellegrino for a public hearing.

MR. KANE: Mr. Pellegrino, you'll need to change your application to an interpretation of the use variance. Mike, you can help him with that.

MR. KRIEGER: Interpretation or a use variance.

MR. KANE: And/or.

MR. BABCOCK: I don't think he has an application with the zoning board yet, I'll change the denial to say interpretation.

MR. KANE: If that is the case then, Mr. Chairman, I move that we set up Mr. Pellegrino for a public hearing on his requested interpretation and/or use variance.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. KRIEGER: Before you go, these are the standards on which the law requires the zoning board must decide for use variance. Of course, you have two applications, an interpretation and a use variance, that of course applies only to use variance part, the interpretation question is whether or not simply whether or not the property has been continuously used since before zoning was enacted in the same manner that it is now being used, so you'll make your I assume you'll make your presentation with respect to that and the board will decide whether there is sufficient evidence to persuade them if that's the case.

MR. KANE: If that doesn't fly, the interpretation then you're going to proceed to get a use variance for which you need to be prepared which is very difficult to get, it's and/or.

MR. TORLEY: Use rather than area, it's an R-1 zone, you got 20 acres, you've got it.

MR. KANE: Domestic animals, correct?

MR. BABCOCK: No, you can have horses, raise and breed horses, pigs and cattle if you have 20 acres.

MR. KRIEGER: If the 20 acres are required.

MR. BABCOCK: That's correct.

MR. KRIEGER: He doesn't have the 20 acres. The question is this particular property as it presently exists can be used for that purpose. If he had a 20 acre piece of property, then it would be, then that question would not exist. The question before the board in this case if the interpretation is denied, is whether or not this particular piece of property as it exists can be used.

MR. KANE: In the agricultural with 20 acres.

MR. TORLEY: That's still an area, not use.

MR. KRIEGER: No, even if he had 20 acres, he's still

in an R-1 zone, he would still not be permitted if he can have thousands of acres, he wouldn't be permitted.

MR. BABCOCK: He's under agricultural, if he has 20 acres then.

MR. KRIEGER: Even in R-1 zone?

MR. BABCOCK: That's correct.

MR. TORLEY: That's the most open zone we've got is R-1 as far as land agricultural.

MR. BABCOCK: So, what I think Larry's saying he may need to request an area variance from the 35 acres to 20 acres.

MR. TORLEY: Interpretation and/or area variance, not use.

MR. BABCOCK: We weren't quite sure we said use.

MR. KRIEGER: If it's an allowed use in that zone.

MR. TORLEY: It's an area.

MR. KRIEGER: Then it would be an area variance.

MR. TORLEY: Is that how you want to rephrase your motion?

MR. KANE: Yes.

MR. KRIEGER: It's easier, it's a lower hurdle.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

98-46

Date: 12/21/98.

I. ✓ Applicant Information:

- (a) John Pellegrino 1123 Rt 247, New Windsor NY ✓
(Name, address and phone of Applicant) (496-1422) (Owner)
(b) _____
(Name, address and phone of purchaser or lessee)
(c) _____
(Name, address and phone of attorney)
(d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- (☒) Use Variance (☐) Sign Variance
(☒) Area Variance (☒) Interpretation

III. ✓ Property Information:

- (a) R-1 1721 Little Britain Rd 52-1-6 5 acres
(Zone) (Address) (S B L) (Lot size)
(b) What other zones lie within 500 ft.? Agriculture
(c) Is a pending sale or lease subject to ZBA approval of this application? No
(d) When was property purchased by present owner? yes
(e) Has property been subdivided previously? yes
(f) Has property been subject of variance previously? yes permits
If so, when? 1997 commercial
(g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? yes
(h) Is there any outside storage at the property now or is any proposed? Describe in detail: owner uses shed to maintain animal feed.

IV. ~~Use~~ Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____

(b) ✓ The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No _____.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. ✓ Area variance: NA

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. C.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area <u>20 acres req'd</u>	<u>5.8 acres</u>	<u>Area variance to allow</u>
Min. Lot Width _____	_____	<u>maintenance of homes</u>
Reqd. Front Yd. _____	_____	<u>livestock on property.</u>
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

Applicant seeks leave for owner to maintain on property 3 ponies, 2 emu, 1 llama, 1 pig or 5 goats on property. Property regulations would permit owner to maintain only 2 horses on property. Reasons supporting application are as follows: (1) land is sufficiently spacious to allow owner to properly care for animals; (2) owner uses land to visiting students and children so they can appreciate animals; (3) owner needs

(You may attach additional paperwork if more space is needed) (See Attached)

VI. Sign Variance: N/A

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

☒ VII. Interpretation.

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

- (b) Describe in detail the proposal before the Board:

☒ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Adjacent property owner has no objection to granting variance. Tree line separates area where horses graze from neighboring farm and from house, owned by Frank Lange (letter attached). Work produced by animals is regularly cleaned or used as fertilizer for garden (vegetable) which owner grows on property.

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☐ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- N/A ☒ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$150.00 and the second check in the amount of \$500.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: 12/21/98

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

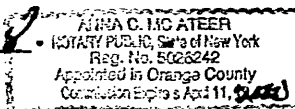
The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

x [Signature]
(Applicant)

Sworn to before me this

21 day of December, 1998.

Anna C. McAttee



XI. ZBA Action:

(a) Public Hearing date: _____.

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

Date 11/12/98, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth
168 N. Drury Lane DR.
Newburgh, N.Y. 12550

B		CLAIMED		ALLOWED	
98	Zoning Board Mtg	75	00		
	Misc - 1				
	Zaczko - 1				
	Pellegrino - 6 27.00				
	Bonura - 2				
	Ryan - 5				
	Grevas - 3				
	Jannotti - 2				
	Anagnostides - 3				
	23	103	50		
		178	50		

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: 11/13/98

APPLICANT: John Pellegrino

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 9/17/98

FOR: Keeping of domestic animals

LOCATED AT: 1721 Little Britain Rd

ZONE: R-1

DESCRIPTION OF EXISTING SITE: 52-1-6

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Request for area variance and interpretation of
48-12, R-1, 1b Keeping cattle, sheep, goats, pigs and horses
on lots of 20 acres or more

Louis J. Kuchner
BUILDING INSPECTOR

PERMITTED:

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: USE:

SIGN:

FREESTANDING:

HEIGHT:

WIDTH:

WALL SIGNS:

TOTAL ALL SIGNS:

FEET FROM ANY LOT LINE: